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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,870	10/22/2003	Michael J. Wookey	30014200-1120	6814

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SONNENSCHEIN NATH & ROSENTHAL LLP
FOR SUN MICROSYSTEMS
P.O. BOX 061080
WACKER DRIVE STATION, SEARS TOWER
CHICAGO, IL 60606-1080

EXAMINER	
PHAM, MICHAEL	

ART UNIT	PAPER NUMBER
2167	

DATE MAILED: 10/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/690,870	WOOKEY, MICHAEL J.	
	Examiner	Art Unit	
	Michael D. Pham	2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 August 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Detailed Action

1. Claims 1 - 10 have been examined.

2. Claims 1 - 10 are pending.

3. Claims 1 - 10 are rejected as detailed below.

Drawings

1. Objection for failing to show element 612 as described in the specification respectfully withdrawn.

2. Objection for reference character(s) not mentioned in the description specifically element 710 in figure 7 is respectfully withdrawn.

Specification

1. Objection to what appeared to be that the first appearance of 622 meant to be 620 is respectfully withdrawn.

2. Objection to for mislabeled steps of 616, 618, and 614 are respectfully withdrawn.

3. Objection to validation step label for 720 and 716 are withdrawn.

Claim Rejections - 35 USC § 101

1. Prior rejection under 101 for claims 5-8 are respectfully withdrawn.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication 2002/0095399 by Devine et. al (hereafter Devine).

Claim 1:

A method in a data processing system having a program, the method comprising the steps of:

providing a plurality of software-based **processing engines** [0055, connected devices provide data processing. That is, plurality of processing engines.], **each processing engine subscribing to at least one of a plurality of datatypes and capable of publishing at least one of the datatypes** [Devine, 0055, Connected devices are able to subscribe and publish information.], **at least one of the processing engines subscribing to at least one of the datatypes published by another of the processing engines** [0055, connected devices may act as clients with respect to services hosted by publishers. That is, a subscriber subscribes to a publisher.], **the processing engines initiating processing responsive to receipt of a subscribed to datatype** [0055, connected devices may act as clients capable of receiving and optionally modifying reports that they receive from publishers. That is, the connected device can receive as well as respond to (i.e. by modifiying) the subscribed datatype received from publisher.]; **and**

determining a solution to a problem using at least two of the processing engines [0055, services provided by the publisher resides substantially on a workstation who initially creates and publishes a service, except that some aspects of the retrieval analysis or reporting may be carried out on other computers under the control of the service residing on the publisher workstation. That is, more than one computer must be used in processing a service to the requested problem.].

Claim 2:

The method of claim 1, further comprising the step of: modifying one of the processing engines, wherein the determining of the solution is not interrupted by the modification [0058, system software upgrades and maintenance to connected devices (i.e. modifying one of the processing engines).]

Claim 3:

The method of claim 1, further comprising the step of: deploying a new processing engine, wherein the determining of the solution is not interrupted by the modification [0057, deploying a back up workstation (i.e. new processing engine) when failure or loss of power occurs to the publisher.].

Claim 4:

The method of claim 1, further comprising the step of: publishing the solution to the problem [0075, publishes information that a user wishes to publish. Subscribers receives specified information.].

Claim 5:

A tangible **computer-readable medium containing instructions that cause a program in a data processing medium to perform a method comprising the steps of:**

providing a plurality of software-based **processing engines** [0055, connected devices provide data processing. That is, plurality of processing engines.], **each processing engine subscribing to at least one of a plurality of datatypes and capable of publishing at least one of the datatypes** [Devine, 0055, Connected devices are able to subscribe and publish information.], **at least one of the processing engines subscribing to at least one of the datatypes published by another of the processing engines, the processing engines initiating processing responsive to receipt of a subscribed to datatype** [0055, connected devices may act as clients capable of receiving and optionally modifying reports that they receive from publishers. That is, the connected device can receive as well as respond to (i.e. by modifiying) the subscribed datatype received from publisher.]; **and**

determining a solution to a problem using at least two of the processing engines [0055, services provided by the publisher resides substantially on a workstation who initially creates and publishes a service, except that some aspects of the retrieval analysis or reporting may be carried out on other computers under the control of the service residing on the publisher

workstation. That is, more than one computer must be used in processing a service to the requested problem.].

Claim 6:

The computer-readable medium of claim 5, further comprising the step of: modifying one of the processing engines, wherein the determining of the solution is not interrupted by the modification [0058, system software upgrades and maintenance to connected devices (i.e. modifying one of the processing engines).].

Claim 7:

The computer-readable medium of claim 5, further comprising the step of: deploying a new processing engine, wherein the determining of the solution is not interrupted by the modification [0057, deploying a back up workstation (i.e. new processing engine) when failure or loss of power occurs to the publisher.].

Claim 8:

The computer-readable medium of claim 5, further comprising the step of: publishing the solution to the problem [0075, publishes information that a user wishes to publish. Subscribers receives specified information.].

Claim 9:

A data processing system comprising:

a memory having a program that provides a plurality of software-based processing engines [0055, connected devices provide data processing. That is, plurality of processing

engines.], **each processing engine subscribing to at least one of a plurality of datatypes and capable of publishing at least one of the datatypes** [Devine, 0055, Connected devices are able to subscribe and publish information.], **at least one of the processing engines subscribing to at least one of the datatypes published by another of the processing engines** [0055, connected devices may act as clients capable of receiving and optionally modifying reports that they receive from publishers. That is, the connected device can receive as well as respond to (i.e. by modifiying) the subscribed datatype received from publisher.], **the processing engines initiating processing responsive to receipt of a subscribed to datatype** [0055, connected devices may act as clients capable of receiving and optionally modifying reports that they receive from publishers. That is, the connected device can receive as well as respond to (i.e. by modifiying) the subscribed datatype received from publisher.], **and**

determines a solution to a problem using at least two of the processing engines [0055, services provided by the publisher resides substantially on a workstation who initially creates and publishes a service, except that some aspects of the retrieval analysis or reporting may be carried out on other computers under the control of the service residing on the publisher workstation. That is, more than one computer must be used in processing a service to the requested problem.]; **and a processing unit that runs the program** [Abstract, program execution].

Claim 10:

A data processing system comprising:

means for providing a plurality of software-based processing engines [0055, connected devices provide data processing. That is, plurality of processing engines.], **each processing engine subscribing to at least one of a plurality of datatypes and capable of publishing at least one of the datatypes** [Devine, 0055, Connected devices are able to subscribe and publish information.], **at least one of the processing engines subscribing to at least one of the datatypes published by another of the processing engines, the processing engines initiating processing responsive to receipt of a subscribed to datatype** [0055, connected devices may act as clients capable of receiving and optionally modifying reports that they receive from publishers. That is, the connected device can receive as well as respond to (i.e. by modifying) the subscribed datatype received from publisher.]; **and**

means for determining a solution to a problem using at least two of the processing engines [0055, services provided by the publisher resides substantially on a workstation who initially creates and publishes a service, except that some aspects of the retrieval analysis or reporting may be carried out on other computers under the control of the service residing on the publisher workstation. That is, more than one computer must be used in processing a service to the requested problem.].

Response to Arguments

Applicant's arguments filed 8/7/06 have been fully considered but they are not persuasive. Applicant's assertions are addressed herein below in this office action.

Applicant's assertion relied upon is that independent claims 1, 5, 9, and 10 claim subject matter relating to providing a plurality of SOFTWARE-BASED processing engines. Applicant's assert

that Devine fails to disclose or suggest software-based processing engines. Stating that as noted by the examiner, Devine teaches hardware-based data processing systems such as "mainframe computers, supercomputers, workstations, personal computers, portable computers and hand-held computers, as well as measuring systems, sensors, and various types of mobile devices having some type of embedded data processor memory" Office Action of 5/5/06, page 5; Devine [0055]. That this is clearly unlike Applicant's claimed software-based processing engine. Applicant's further assert that no where does Devine suggest software-based processing engines, and also determining a solution to a problem using at least two software-based processing engines because one processing engine may perform a processing based on a received datatype and then publish a datatype, which is received by a second processing engine, further indicating that the second processing engine then initiates processing to arrive at a solution to the problem.

In response the examiner respectfully disagrees with applicant's assertions. First the the examiner would like to clarify to applicant's that the examiner noted 0055, however had never stated strictly hardware-based data processing systems. Furthermore it is well known in the art that in order for software to be executed it must have some tangible hardware in order to execute the program, such as a computer processor. In response to Applicant's assertion that Devine does not suggest a software-based engine, the examiner directs the Applicant's to 0038, wherein the connected devices include a data processor that executes a program for the network device. Devine utilizes software in order to perform the functionality of the system, and executes the software via a processor. Hence, software-based processing engines must be taught by Devine. Secondly, the examiner respectfully disagrees with Applicant's assertion that determining a

solution to a problem using at least two software-based processing engines is not disclosed by Devine. The limitation only requires that a solution to a problem utilizes two software-based processing engines. Because Devine discloses software-based processing engines, and further is able to utilize more than one device, of course at least two software based processing engines are utilized. Devine, 0055, services provided by the publisher resides substantially on a workstation who initially creates and publishes a service, except that some aspects of the retrieval analysis or reporting may be carried out on other computers under the control of the service residing on the publisher workstation. The problem in this case could be a needed retrieval or report. Therefore, more than one computer may be used in processing a service provided by the publisher.

Conclusion

The prior art made of record listed on PTO-892 and not relied upon, if any, is considered pertinent to applicant's disclosure.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael D. Pham whose telephone number is (571)272-3924. The examiner can normally be reached on Monday - Friday 8am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on 571-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Pham
Art Unit 2167
Examiner
10/11/06

Debbie Le
Art Unit 2168
Primary Examiner

John Cottingham
Art Unit 2167
Supervisor

JOHN COTTINGHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100